

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ERIC L. ELLIS,**

**Plaintiff,**

**VS.**

**CITY OF GRAND PRAIRIE et al.,**

## Defendants.

**No. 3:23-CV-1508-N-BH**

## ORDER OF THE COURT ON RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- ( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 12) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendation filed in this case on August 2, 2023 (doc. 8). Based on that filing, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request is also denied because the plaintiff has not established that he is a pauper. According to the plaintiff's *in forma pauperis* affidavit, he has received an average monthly amount of \$30,000 from employment and \$10,000 from unemployment payments during the past twelve months, and has monthly expenses of \$2,900. These amounts reflect sufficient funds to pay the applicable filing fees on appeal.

(X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

**DATE:** December 22, 2023

  
UNITED STATES DISTRICT JUDGE